

CHAPTER 8.70 - STORMWATER MANAGEMENT AND DISCHARGE CONTROL

8.70.010 Title.

This chapter shall be known and designated as the "Stormwater Management and Discharge Control Ordinance." (Ord. 6601 § 2 (part), 1994)

8.70.020 Purpose and intent.

The purpose of this chapter is to ensure the future health, safety, and general welfare of the residents of the city of Pasadena who recreate in and consume from the waters of the United States, and to protect marine habitats and ecosystems existing therein by:

- A. Regulating non-stormwater discharges to the municipal stormwater system;
- B. Providing for the control of spillage, dumping or disposal of materials into the municipal storm-water system;
- C. Reducing pollutants in stormwater and urban runoff to the maximum extent practicable;

The intent of this chapter is to protect and enhance water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act, and pursuant to National Pollutant Discharge Elimination System Permit No. CA0061654, as amended, and any successor legislation and permits. (Ord. 6601 § 2 (part), 1994)

8.70.030 Definitions.

The following are definitions of terms used in this chapter:

- A. "Enforcement agency" means the department of public works and transportation of the city.
- B. "Enforcement official" means the director of public works and transportation or a designee authorized to enforce compliance with this chapter.
- C. "Illicit connection" means any conduit or device through or by which non-stormwater discharge enters the municipal stormwater system and which has not been permitted by the enforcement agency.
- D. "Illicit discharge" means any discharge into the municipal stormwater system that is not composed entirely of stormwater except discharges pursuant to a permit, and except discharges otherwise exempted at Section 8.70.060 of this chapter.
- E. "Municipal stormwater system" means those municipal and natural facilities, conduits and devices within the city by which stormwater discharge is conveyed to waters of the United States, including but not limited to flood control channels, roads with drainage systems, streets, catch basins, inlets, curbs, ditches, storm drains, fabricated and natural channels, and natural watercourses.
- F. "Non-stormwater discharge" means any discharge that is not composed entirely of stormwater runoff.
- G. "The NPDES permit" means Permit No. CA0061654, and all amendments thereto on file in the office of the city clerk as Agreement No. 15,117.
- H. "Permit" means a National Pollutant Discharge Elimination System permit issued by the California Regional Water Quality Control Board ("CRWQCB"), Los Angeles Region, pursuant to Division 7 of the California Water Code to control discharges from point sources to waters of the United States.
- I. [Omitted].
- J. [Omitted].
- K. "Pollutant" means garbage, debris, solid waste, lawn clippings, leaves and other vegetation, biological waste, sediment and sludge, oil, grease, gasoline, paints, solvents, or cleaners, radioactive materials, and any fluid or solid containing chemicals. "Pollutant" means fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon surfactants, oil and grease, petroleum hydrocarbons, total organic carbon lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, and biocides. "Pollutant" means hazardous materials, hazardous wastes, and any material that the enforcement agency has a reasonable basis for believing would be harmful to the environment if it were released into the municipal stormwater system. "Pollutant" also means any contaminant which can degrade the quality of the receiving waters by altering pH, total suspended or settleable solids, biochemical oxygen demand, chemical oxygen demand, nutrients, or temperature.
- L. "Premises" means any building, lot parcel, real estate, or land or portion of land whether improved or unimproved including adjacent sidewalks and roadways.
- M. "Stormwater runoff" means any surface water flow produced by rain or snow melt. (Ord. 6601 § 2 (part), 1994)

8.70.040 Construction and application.

This chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory or supplementary thereto, applicable implementing regulations and the NPDES permit and any amendment, revision or reissuance thereof. (Ord. 6601 § 2 (part), 1994)

8.70.045 Abatement of hazardous materials.

Nothing in this chapter is intended to diminish or to preempt the authority of the fire department to investigate, clean up or to abate the effects of any hazardous materials under state law or applicable sections of this code, and any such actions of the fire department shall be in addition to and not in place of measures set forth in this chapter. (Ord. 6601 § 2 (part), 1994)

8.70.050 Illicit discharge prohibited.

Illicit discharge to the municipal stormwater system is prohibited. (Ord. 6601 § 2 (part), 1994)

8.70.060 Exemptions from discharge prohibition.

The following non-stormwater discharges are exempt from the prohibition set forth in Section 8.70.050:

A. Any discharge regulated under a CRWQCB permit issued to the discharger, provided that the discharger is in compliance with all requirements of said permit and other applicable laws and regulations;
B. Any discharge from any of the following activities which do not cause or contribute to a violation of the NPDES permit:

1. Water line flushing and other discharges from potable water sources,
2. Landscape irrigation and lawn watering,
3. Rising groundwaters or springs,
4. Pumping groundwater not subject to any applicable NPDES permit,
5. Passive foundation and footing drains,
6. Water from crawl space pumps,
7. Air conditioning condensation,
8. Washing or cleaning of noncommercial vehicles, but other than by a commercial car wash,
9. Flows from riparian habitats and wetlands,
10. Dechlorinated swimming pool discharges, and
11. Waters not otherwise containing either pollutants as defined by this chapter or wastes as defined by California Water Code Section 13050(d) or by California Health and Safety Code Section 25117, and any successor provisions, or any other material for which discharges are regulated by a federal, state, regional or local statute or regulation;

C. Flows from fire fighting activity or fire fighter training activity;

D. Any discharge which the enforcement official, the local health officer or the California Regional Water Quality Control Board determines, in writing, is necessary for the protection of the public health and safety. (Ord. 6601 § 2 (part), 1994)

8.70.070 Discharge in violation of NPDES permit.

It is unlawful for any person to cause, either individually or jointly, any discharge to the municipal stormwater system which results in or contributes to a violation of the NPDES permit. (Ord. 6601 § 2 (part), 1994)

8.70.080 Illicit connections.

Other than as may be excepted by this chapter, it is unlawful to establish, use, or maintain any illicit connections to the municipal stormwater system. This section expressly supersedes noncontractual authorization or permit for said discharge predating the effective date of the ordinance codified in this chapter. Any contractual authorization or permit predating the effective date of said ordinance shall not be renewed once said authorization terminates or expires. (Ord. 6601 § 2 (part), 1994)

8.70.090 Reduction of pollutants in stormwater.

Any person engaged in activities which will or may foreseeably result in pollutants entering the municipal stormwater system shall undertake all practicable measures to reduce such pollutants, including the following measures:

A. Non-littering. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any pollutant or other discarded or abandoned object, article, or accumulation, in or upon any place where it is likely to be carried, discharged or transmitted into the municipal stormwater system.

The occupant, tenant, owner, lessee, and proprietor of any real property in the city in front of which there is a paved sidewalk shall be jointly and severally responsible to maintain the sidewalk free of dirt and litter to the maximum extent practicable. Sweepings shall not be directed or allowed to go into the gutter or street, but shall be picked up and stored in receptacles and disposed of as refuse as set forth in Chapter 8.62 of this code.

No person shall throw or place litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the city.

B. Cleaning of Parking Lots and Impervious Surfaces. Any person owning or operating a paved parking lot, gas station pavement, paved private street or road, or similar impervious surfaces, shall clean those structures frequently and thoroughly to prevent the discharge of pollutants to the municipal stormwater system to the maximum extent practicable. Sweepings or cleaning residue from parking lots and impervious surfaces shall not be swept into or otherwise made or allowed to go into any gutter or roadway, but, excepting hazardous or liquid debris, shall be picked up and stored in receptacles and disposed of as refuse as set forth in Chapter 8.62 of this code. Hazardous or liquid debris shall be stored and disposed of in the manner required by law.

C. Notification of Intent and Compliance with General Permits. Each industrial discharger, discharger associated with construction activity, or other discharger, described in any permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the state Water Resources Control Board, or the California Regional Water Quality Control Board, shall provide such notice of intent in writing to the enforcement agency and shall comply with, and undertake all other activities required by any permit applicable to such discharges.

Each discharger identified in an individual permit relating to stormwater discharges shall comply with and undertake all activities required by such permit.

D. Compliance with Best Management Practices. Where best management practices guidelines or requirements have been adopted or required by any federal, state of California, regional, county, or city agency for any activity, operation, or facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, or discharges of non-stormwater to the stormwater system, every person undertaking such activity or operation, or owning or operating such facility shall comply with such guidelines or requirements as may be identified by the enforcement official of any such agency.

E. Cleaning Requirements for Private Drains and Catch Basins.

Persons owning or operating drainage facilities are directly connected to the public storm drain system shall clean those facilities between May 1 and September 30 of each year, and re-clean those facilities, as needed, before their sumps are forty percent full of material. This requirement includes, but is not limited to, catch basins, culverts and parkway drains. (Ord. 6837 § 1, 2000; Ord. 6601 § 2 (part), 1994)

8.70.095 Construction sites requiring a building permit or a grading permit.

A. Any person or company engaging in construction activities of five acres or more will be requested to have a general construction permit issued by CRWQCB and must demonstrate possession of such permit before grading or building permits can be issued. The general construction permit shall be retained on site and shall be shown to city officers or inspectors at their request.

B. The following best management practices shall apply to all construction sites:

1. Sediment and construction waste from construction sites and parking areas shall not leave the site.
2. Between October 15th and April 15th, any sediments or other materials which are tracked off the site shall be removed the same day as they are tracked off the site. A sediment barrier shall be installed on land exceeding 15% slope in accord with Chapter 14.05 of this code, and where determined necessary by the building official.
3. Excavated soil shall be located on the site in a manner that eliminates the possibility of sediments running into the street or adjoining properties. Between October 15th and April 15th, soil piles shall be covered until the soil is either used or removed.
4. No washing of construction or other industrial vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on a construction site is allowed to leave the site. (Ord. 6601 § 2 (part), 1994)

8.70.097 Standard urban storm water mitigation plan.

A. Regulations pertaining to the implementation of the standard urban storm water mitigation plan (SUSMP), as approved and amended from time-to-time by the California Regional Water Quality Control Board, Los Angeles Region, shall be adopted by resolution of the City Council.

B. The costs incurred by the city in implementing the provisions of the standard urban storm water mitigation plan, as approved and amended from time-to-time by the California Regional Water Quality Control Board, Los Angeles Region, may be defrayed by the collection of service fees and charges which shall not exceed the cost of the service provided. All such service fees and charges shall be adopted by resolution the city council. (Ord. 6837 § 2, 2000)

8.70.100 Natural watercourse protection.

A. Every person owning or occupying property through which a natural watercourse of a municipal stormwater system passes, as shown on the public works and transportation department's storm drain index map, shall:

1. Keep and maintain that part of the watercourse within the property reasonably free of pollutants and obstacles which would enter, or retard the flow of water through the municipal stormwater system; and
2. Maintain existing structures within or adjacent to such a watercourse so that those structures will not become a hazard to the use, function, or physical integrity of the municipal stormwater system; and
3. Not remove healthy bank vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

B. It is unlawful for any person to commit or cause to be committed any of the following acts, excepting pursuant to a permit:

1. Modify the natural flow of water in a watercourse;
2. Undertake developments within 30 feet of the center line of any watercourse or twenty feet of the top of a watercourse bank, whichever is the greater distance from the top of the bank;
3. Construct, enlarge, change, or remove any structure in a watercourse.
4. Place any loose or unconsolidated material along the side of a watercourse so close to its bank as to create a potential for those materials entering the watercourse. (Ord. 6601 § 2 (part), 1994)

8.70.110 Containment and notification of spills.

Any person owning or occupying a premises who has knowledge of any suspected, confirmed, or unconfirmed release of pollutants from those premises which might enter the municipal stormwater system shall immediately take all reasonable action to contain the release and minimize any non-stormwater discharge. Such person shall notify the enforcement agency, telephonically or in writing, within 24 hours of any known or confirmed pollutant release. (Ord. 6601 § 2 (part), 1994)

8.70.120 Enforcement authority.

A. Inspection. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the enforcement official has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this chapter, the enforcement official may enter such building or premises at any reasonable time to inspect the same or to perform any duty imposed upon the enforcement official by this chapter. If such building or premises is fenced or occupied, the enforcement official shall first present proper credentials and request entry. If such building or premises is unfenced and unoccupied, the enforcement official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that, in the event such entry is refused, inspection may be made only upon issuance of an inspection warrant from a court of competent jurisdiction. In the event the owner or occupant refuses entry after such request has been made, the enforcement official must then seek assistance from any court of competent jurisdiction in obtaining such entry.

Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to random sampling and sampling in areas with evidence of stormwater contamination, illicit discharges, discharge of non-stormwater to the stormwater system, or similar factors.

B. Samples and Sampling Devices. During any inspection, the enforcement official may take samples deemed necessary in order to implement and enforce the provisions of this chapter such as are consented to by the owner or occupant or as may be ordered by a court of competent jurisdiction. This may include the installation on any property of such devices as are necessary to conduct sampling or metering operations, or requesting the person owning or occupying the property to supply samples.

C. Abatement. All of the procedures and enforcement mechanisms established by Chapter 8.48 of this code shall apply to material upon premises which the enforcement official determines may result in an increase in pollutants entering the municipal stormwater system, non-stormwater discharges to the municipal stormwater system, or otherwise result in a violation of this chapter.

D. Best Management Practices. The enforcement official may establish the requirements of best management practices for any premises pursuant to Section 8.70.090(D). (Ord. 6601 § 2 (part), 1994)

8.70.130 Violations and enforcement remedies.

A. Violations. The failure to comply with or the violation of any of the requirements of this chapter shall constitute a misdemeanor. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine not to exceed \$1,000.00, or imprisonment in the county jail not to exceed six (6) months, or both.

Notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may be charged and prosecuted as an infraction. Upon conviction of an infraction, a person shall be subject to (1) payment of a fine not exceeding one hundred (\$100) dollars for a first violation; (2) a fine not exceeding two hundred (\$200) dollars for a second violation within one year; (3) a fine not exceeding five hundred (\$500) dollars for each additional violation within one year. After a third conviction for a violation of the same provision subsequent violations within a twelve (12) month period may be charged as a misdemeanor.

B. Concealment. Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of such provision.

C. Civil Actions.

1. In addition to any other penalties and remedies provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, is declared and deemed a nuisance, and also a prohibited activity or condition as described by Section 14.50.040 of this code, and may be summarily abated and restored by any authorized enforcement official, and by such civil action to abate, enjoin or otherwise compel the cessation of such nuisance as may be taken by city pursuant to Section 14.50.060 of this code or otherwise.

2. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be charged to the owner of the property.

3. In any administrative or civil proceeding under this chapter in which the city prevails, the city shall be awarded all costs of investigation, administrative overhead, out-of-pocket expenses, cost of suit and reasonable attorney fees. (Ord. 6601 § 2 (part), 1994)

8.70.140 Remedies not exclusive.

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 6601 § 2 (part), 1994)

8.70.155 Fees.

Fees to be charged for plan checking, monitoring and any other activities carried out by the city under this chapter shall be specified by resolution of the city council. (Ord. 6601 § 2 (part), 1994)